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17656(01172)

Remarks

Claims 4 – 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kerr (D277,551) in view of Krishnakumar (U.S. 5,472,105) and further in view of Silvers et al. (D452,445). This rejection is deemed to be moot in view of the withdrawal of claims 4 – 9 based on the requirement for restriction in this matter and the aforesaid election pursuant thereto.

Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Kerr rejection as set forth with respect to claims 4 – 9 in view of Silvers et al. and further in view of Collette et al. (U.S. 4,863,046). This rejection is also deemed to be moot in view of the withdrawal of claim 18 based on the requirement for restriction in this matter and the aforesaid election with respect thereto.

Claims 11, 12 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Holmes (D308,167) in view of Krishnakumar ('105) and further in view of Slat et al. (U.S. 5,688,572). Without acquiescing in the propriety of this rejection as to the as-examined form of claims 11, 12 and 20, it is respectfully submitted that claim 11, as amended as set forth above, together with claims 12 and 20 that depend therefrom, is patentable under 35 U.S.C. §103(a) over any proper combination of the teachings of Holmes, Krishnakumar '105 and Slat et al.

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Claim 11 now is limited to a construction in which the "opposed gripping panels" in the neck portion of the bottle "extend parallel to one another" to define a space between the gripping panels that is "uniform in width along an axial length portion of said gripping feature." These limitations, which are clearly supported by the showing in Fig. 15 of the drawing, are not taught by Holmes, whose gripping panels taper inwardly as they proceed upwardly, as is clearly shown in Fig. 3. Thus, the space between the gripping panels taught by Holmes is not "uniform in width along an axial length portion" of its gripping feature, and there is no remedial teaching of this difference in any of the Krishnakumar '105 nor Slat et al. references, neither of whom teach any gripping feature in a tapered neck of a container neck. It is also to be noted that Leary et al. (D250,392), which was cited in support of a rejection of claims 13 – 16, also teaches gripping panels that taper inwardly as they proceed upwardly, as is clear from Fig. 4 thereof; this reference, then, does not provide any teaching that could properly be used to augment the teachings of Holmes, Krishnakumar '105 and Slat et al. to support a rejection of amended claims 11, 12 and 20 under 35 U.S.C. §103(a).

Claims 13 – 16 were rejected under 35 U.S.C. §103 (a) as being unpatentable over the Holmes rejection, as applied to claims 11, 12, 20, and further in view of Leary et al. (D250,392). Without in any way acquiescing as to the propriety of this rejection as to the as-examined form of claims 13 – 16, it is

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respectfully submitted that claim 13 – 16 are now patentable with amended claim 11, their parent claim, over any proper combination of the teachings of Holmes, Krishnakumar '105, Slat et al. and Leary et al. Accordingly, reconsideration and withdrawal of the rejection of claims 13 – 16 are respectfully requested.

Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Holmes rejection, as applied to claims 11, 12 and 20, and further in view of Collette et al. (U.S. 4,863,046). Without in any way acquiescing as to the propriety of this rejection as to the as-examined form of claim 21, it is respectfully submitted that claim 21 is patentable with claim 11, its parent claim, or the reasons set forth above in support of the patentability of the amended version of claim 11.

It is respectfully submitted that Applicant has responded in a fully satisfactory manner to all matters at issue in this application, and that this application is now in condition for allowance.